

DOCKET FILE COPY ORIGINAL **ORIGINAL**
BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION **RECEIVED**
WASHINGTON, D.C. 20554
JUL - 5 2002

In the Matter of	)	EB Docket No. 02-21	FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY
Peninsula Communications, Inc.)		
Licensee of stations	)	File No. EB 01-IH-0609	
KGTL, Homer, Alaska;	)	FRN: 0001-5712-15	
KXBA(FM), Nikiski, Alaska;	)	Facility ID Nos. 52152	
KWVW-FM, Homer, Alaska; and	)	86717	
KPEN-FM, Soldotna, Alaska.	)	52145	
	)	52149	
Licensee of FM translator stations)		
K292ED, Kachemak City, Alaska;	)	52150	
K285DU, Homer, Alaska;	)	52157	
K285EG and K272DG, Seward, Alaska	)	52158 and 52160	
Licensee of FM translator stations)		
K285EF, Kenai, Alaska;	)	52161	
K283AB, Kenai/Soldotna, Alaska;	)	52155	
K257DB, Anchor Point, Alaska;	)	52162	
K265CK, Kachemak City, Alaska;	)	52154	
K272CN, Homer, Alaska; and	)	52148	
K274AB and K285AA, Kodiak, Alaska	)	52151 and 52164	

To: The Enforcement Bureau

Supplemental Response of Peninsula Communications, Inc. to the Enforcement Bureau's
First Interrogatories.

Peninsula Communications, Inc. ("PCI"), by its undersigned President, hereby submits these supplemental responses to the "Enforcement Bureau's First Interrogatories To Peninsula Communications, Inc." These responses are being made pursuant to the Presiding Judge's recent order in Memorandum Opinion And Order, FCC 02M-55, released on June 25, 2002. The numbers correspond to the interrogatory numbers.

I. SUPPLEMENT TO ANSWERS TO INTERROGATORIES

Interrogatory No.7

Identity of each of the shareholders, directors, employees, agents and officers of PCI
since August 29, 2001 to present:

Shareholders: (1) David F. Becker
(2) Eileen L. Becker
Directors: David F. Becker, President & Eileen L. Becker, Secretary/Treasurer
Employees: (3) Timothy White Operations Manager/Account Executive
(4) David Webb Production Manager
(5) Kelly Leavitt Announcer/Account Executive
(6) Heather Lewis Traffic/ Accounts Receivables
(7) Tiarnan Coval Sales Manager/Account Executive
(8) Gary Hondel Account Executive
(9) Karl Pulliam Sports Announcer/Basketball Contract Salesman
Agents: none
Officers: see Shareholders and Directors above

Duties and authority:

(1) General Manager- Responsible for all aspects of station operation,
finances, payroll, accounts payable and FCC
compliance.
(1) Chief Engineer- Responsible for all aspects of electronics and
technical operations.
(2) Sec./Treasurer- Responsible for corporate profit and loss statements,
balance sheets and corporate tax filings.
(3) Operations Mgr.- Responsible for all day to day station operations,
including newscasts, public service announcements,
guest interviews for public affairs programming, for
KWVV-FM and KGTL(AM).
(4) Production Mgr.- Responsible for all commercial spot copy and
production for all clients.
(1)(3)(4)(5)(7)(8) Announcer- Responsible for commercial production, news, PSA's
weather, remote broadcasts, etc.
(3)(5)(7)(8) Account Exec.- Responsible for selling commercial air time.
(7) Sales Manager- Responsible for management of sales account execu-
tives. Additional duties include Operations Manager
of KPEN-FM and KXBA(FM).
(3)(4)(9) Sports Announ.- Basketball play by play announcer (contract basis)
(9) Contract Sales- Responsible for selling basketball games (contract)

Addendum: Identification information as follows:

- 1) David F. Becker, P. O. Box 109, Homer, Alaska 99603
Physical address (not a mailing address): 66060 Diamond Ridge Road
Business telephone: (907) 235-6000
Home telephone: (907) 235-7526
- 2) Eileen L. Becker, Same as above.
- 3) Timothy S. White, P. O. Box 4152, Homer, Alaska 99603
Physical address (not a mailing address): 63665 Whispering Meadow
Business telephone: (907) 235-6000
Home telephone: (907) 235-4248
- 4) David A. Webb, P.O. Box 3314, Homer, Alaska 99603
Physical address (not a mailing address):
Business telephone: (907) 235-6000
Home telephone: (907) 235-5323
- 5) Kelly Leavitt, 3912 Lakeside Court, Homer, Alaska 99603
Business telephone: (907) 235-6000
Home telephone: (907) 235-7036
- 6) Heather Lewis, 393 Rangeview, Homer, Alaska 99603
Business telephone: (907) 235-6000
Home telephone: (907) 235-3210
- 7) Tiarnan Coval, 1615 East Aliak, Kenai, Alaska 99611-8906
Business telephone: (907) 283-7423
Home telephone: (907) 283-8423
- 8) Gary Hondel, P. O. Box 3247, Kenai, Alaska 99611
Physical address (not a mailing address): 48260 Kalifornsky Beach Rd.
Business telephone: (907) 283-8706
Home telephone: (907) 398-4279
- 9) Karl Pulliam, Box 31, Seldovia, Alaska 99663
Physical address (not a mailing address): 360 Young St.
Business telephone: (907) 234-7641
Home telephone: (907) 234-7641

Past employees not currently employed by PCI:

- 10) Russell (Hicks) Marino, 2663 South Decatur Blvd., Apt. 1078, Las Vegas, NV 89102
Employed from 4/1/97 thru 7/31/00. Sales Account Executive
- 11) Michael Becker, P. O. Box 109, Homer, AK 99603
Employed from 6/10/99 to 11/01/01. Computer geek, programming. (907) 235-8175
- 12) Gary A. Becker, P. O. Box 2476, Homer, AK 88603
Employed from 8/20/01 to 11/15/01. Sales Account Executive

- 13) Jonathan Becker, 3120 Glenn Husky Rd., Sevierville, TN 37862
Employed from 8/14/00 to 12/21/00. Maintenance, repair & engineering. (865) 774-6448
- 14) Amy Sutton-Becker, (same as above)
Employed from 8/14/00 to 12/21/00. Office clerical and promotion.
- 15) Kirsten Knudsen, address unknown in Hawaii
Employed from 9/24/01 to 11/01/01. Office clerical, receptionist.
- 16) Jim Childers, current address unknown
Employed 8/1/2000 to 11/1/2000 Sales Account Executive.
- 17) Lynn Christian, 1220 17th Street South, La Crosse, WI 54601(608) 769-0736
Employed 4/1/99 to 9/1/01 Traffic, Accounts Receivables, Receptionist

Interrogatory No.8.

Identify Competitors (which PCI will assume means broadcast stations):

A) Kenai-Soldotna, Alaska:

KSRM, Inc., 40960 Kalifornsky Beach Road, Kenai, Alaska 99611

KSRM(AM)/ KWHQ-FM/ KSLD(AM)/ KKIS-FM (907) 283-5821

Pickle Hill Public Broadcasting, Inc., P.O. Box 2111, Kenai, Alaska 99611

KDLL(FM) (907) 283-8433

Kasilof Public Broadcasting, P.O. Box 1121, Kasilof, Alaska 99610

KWJG(FM) (907) 260-7702

B) Homer, Alaska:

Kachemak Bay Broadcasting, Inc., 3913 Kachemak Way, Homer, Alaska 99603

KBBI(AM) (907) 235-7721

Kasilof Public Broadcasting, (same as above)

KMJG(FM) (907) 260-7702

C) Kodiak, Alaska:

Kodiak Island Broadcast Partners, P.O. Box 708, Kodiak, Alaska 99615

KVOK(AM)/ KRXX(FM) (907) 486-5159

Kodiak Public Broadcasting Corp., 620 Egan Way, Kodiak, Alaska 99615

KMXT(FM) (907) 486-3181

Interrogatory No.9.

Identity of past licenses/stations that are owned, controlled or managed by PCI alone (as opposed to PCI as defined by definition a. above), its officers and/or shareholders, other than those licenses and stations listed in the caption of this matter:

NONE. Current licenses/stations are those listed in the caption of this matter.

Interrogatory No.10.

Business reasons for operating past May 2001:

The business reasons for operating past May 18, 2001 are discussed in the Statement of David F. Becker, for "Motion to Leave to Offer Proof", dated June 19, 2002.

PCI is defending the corpus of its appeal before the D.C. Circuit Court, which includes defending PCI's translator licenses (which "continue in effect pending a final decision" (Section 307(c)(3)) and defending these licenses from revocation (pursuant to Section 312(g)), if PCI were to take the subject translators "silent for more than 12 consecutive months".

PCI has the right to Due Process in this matter, and the right to defend its business property (including its FCC licenses) from unlawful harm and unlawful termination under the Fifth Amendment of the Constitution of the United States. The Commission apparently believes PCI's motive for continuing to operate is strictly for greed and for making money in the interim. This hardly makes sense...that PCI would risk forfeiture of its entire business by operating for some potential "short-term financial gain", while placing in jeopardy all of PCI's licenses and potential greater long-term business loss, should the Commission, in the unlikely event, revoke PCI's licenses in this proceeding.

PCI believes it has a solid legal basis for continued authorized operation pursuant to the Communications Act, and well-established FCC policy and case precedent regarding continued operation while an appeal is pending and awaiting a final decision through judicial review.

Frankly, if the Section 312(g) problem did not exist, PCI could have complied with the Commission's Termination Order without risking the corpus of PCI's appeal before D.C. Circuit. From a financial point of view, it would have been less costly to terminate operation, thereby saving both parties considerable time, effort and expense while awaiting the outcome of PCI's appeal before the D.C. Circuit. PCI's savings in legal costs alone would easily exceed any revenue generated from the translators. However, while PCI might have saved itself a "battle (and the expense)... it would have surely lost the war", if PCI would have taken the translators silent as ordered by the Commission. PCI's appeal before the D.C. Circuit would be 'moot' by now. As previously noted, it has been more than 13 months since the Termination Order was issued by the FCC. PCI's appeal would be forfeited by now due to the Section 312(g) "Catch 22" problem of the Act. PCI is convinced that the FCC would not hesitate to move for dismissal of PCI's appeal (in a heart beat) on this basis, in an effort to put an end to "the PCI matter".

Interrogatories 12 through 17.

PCI has produced CONFIDENTIAL Federal tax returns, P & L Statements and Balance sheets in related document discovery. These documents are self explanatory and fully respond to this interrogatory and are incorporated in this answer.

PCI has contracted with the same bookkeeper for the past 22 years:

Kristen Curtiss
Aurora Accounting Service
P. O. Box 2683

Homer, Alaska 99603
(907) 235-7530

Interrogatory No. 25

PCI has produced extensive CONFIDENTIAL documents detailing the terms and conditions under which PCI sells advertising, rate cards, account summaries and a complete client list for the years 2000, 2001 and 2002 through June 25, 2002. These summaries detail the client, the number of spots sold, the cost and the placement on a monthly basis. PCI believes that it has fully complied with the Enforcement Bureau's request for the terms and conditions under which PCI sells advertising, including frequency, area coverage and rates or fees charged through the production of these documents, which are incorporated into this response. PCI directs the Bureau to the documents produced in PCI's filing of June 25, 2002.

Interrogatory No. 26.

In PCI's previous submittal, it has identified the owner of each tower PCI uses, tower location, identity of each station using the tower and, in the case where PCI does not own the tower, PCI has provided the terms of rent or lease. PCI does not have knowledge of "sale and loan agreements" for any towers on which PCI leases space and does not own.

With regard to clarifying lease terms:

- A) Aksala Electronics: Lease effective 8/1/84. Renews annually, unless terminated in writing in 30 days. Monthly rate is \$ 339.20. Includes space and power.
- B) ATT Alascom: Lease effective in 1986(?) (unable to locate original lease document). Renews every five years, unless terminated in writing in 30 days. Monthly rate is \$ 245.82, for space only.

PCI pays Homer Electric Assn. directly for power.

With regard to terms of rent, sale and loan agreements pertaining to PCI owned towers, PCI offers free antenna space to Alaska Village Missions, Inc.(a non-profit Christian organization). PCI is reimbursed for power by AVM. PCI sells space and power to Turquoise Broadcasting Corp., LLC. at location number 1: \$75.00 for space and \$75.00 for power per month per terms of a lease agreement with TBC. PCI has no other tenants.

All of the assets of PCI , including towers, are collateral to secure a loan with the First National Bank of Anchorage, Homer Branch.

Interrogatory No. 29.

_ The identity of each advertiser has been produced in PCI's filing of documents on June 25, 2002. (See interrogatory response number 25.) PCI directs the Enforcement Bureau to these documents for reference. PCI has fully complied with the request for production of this CONFIDENTIAL information.

I, Dave Becker, President of Peninsula Communications, Inc. do hereby swear and affirm, under penalty of perjury, that the responses contained herein, except those of which official notice may be taken, are true and correct to the best of my personal knowledge and belief.

Date: June 27, 2002

PCI pays Homer Electric Assn. directly for power.

With regard to terms of rent, sale and loan agreements pertaining to PCI owned towers, PCI offers free antenna space to Alaska Village Missions, Inc. (a non-profit Christian organization). PCI is reimbursed for power by AVM. PCI sells space and power to Turquoise Broadcasting Corp., LLC. at location number 1: \$75.00 for space and \$75.00 for power per month per terms of a lease agreement with TBC. PCI has no other tenants.

All of the assets of PCI, including towers, are collateral to secure a loan with the First National Bank of Anchorage, Homer Branch.

Interrogatory No. 29

The identity of each advertiser has been produced in PCI's filing of documents on June 25, 2002. (See interrogatory response number 25.) PCI directs the Enforcement Bureau to these documents for reference. PCI has fully complied with the request for production of this CONFIDENTIAL information.

I, David F. Becker, President of Peninsula Communications, Inc. do hereby swear and affirm, under penalty of perjury, that the responses contained herein, except those of which official notice may be taken, are true and correct to the best of my personal knowledge and belief.

Date: June 27, 2002

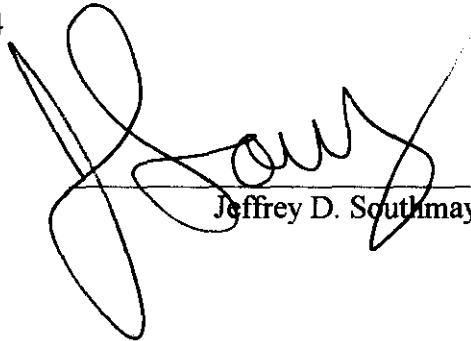


CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were sent by first class United States mail, postage pre-paid, and email on this 5th day of July, 2002, to the following:

Chief Administrative Law Judge Richard L. Sippel
Federal Communications Commission
445 12th Street, S.W., Room 1-C749
Washington, D.C. 20554

Mr. James Shook
Investigations & Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W. Room 7-C723
Washington, D.C. 20554



Jeffrey D. Southmayd